

NOTICE OF MODIFICATION TO TEXT
OF PROPOSED REGULATIONS

In a Notice published June 17, 2003, the Department of Food and Agriculture proposed to repeal and adopt sections in the California Code of Regulations, Title 4, Division 9, Chapter 6, Article 5, relating to spark-ignition engine fuels and compression-ignition engine fuels.

As a result of recommendations received during the comment period, the Department believes that the changes to the proposed text are sufficiently related to the originally proposed text and that the public was adequately placed on notice that changes could result from the originally proposed regulatory action.

Notice is hereby given that any interested person may present statements or arguments on the modified text to the Division of Measurement Standards, 8500 Fruitridge Road, Sacramento, CA 95826. Comments may also be submitted by facsimile (FAX) at (916) 229-3026 or by e-mail at DMS@cdfa.ca.gov. Comments may be submitted beginning September 29, 2003 and ending October 14, 2003. All written comments received by October 20, 2003, which pertain to the indicated changes will be reviewed and responded to by the Department as part of the compilation of the rulemaking file. Please limit your comments to the modifications of the original proposal which appears on the attached amendment in double underlined text "underlined" for additions, and double strikethrough text "~~strikethrough~~" for deletions.

Changes to the original proposal include the following:

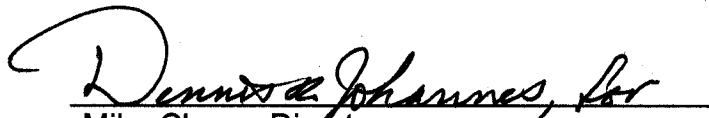
- Sections 4147, 4148, and 4149: The proposed specifications for 100% biodiesel fuel were removed and the labeling requirements for biodiesel blends were modified in the regulatory action to address the concerns and objections in the individual comments presented by the Engine Manufacturers Association (EMA), the Alliance of Automobile Manufacturers, the Western States Petroleum Association (WSPA), and Chevron/Texaco Company.

These documents, in addition to the rulemaking file, which contains all written comments on the original proposal, are available for public inspection at the Division of Measurement Standards between the hours of 8:00 a.m. and 5:00 p.m. Inquiries about this action may be directed to:

David R. Lazier, Branch Chief
Division of Measurement Standards
8500 Fruitridge Road
Sacramento, CA 95826
(916) 229-3044

DEPARTMENT OF FOOD AND AGRICULTURE

9/25/03
Date


Mike Cleary, Director

Article 5. Automotive Spark Ignition Engine Fuel Standards

4140. Specifications-Automotive Spark Ignition Engine Fuel. Automotive spark ignition engine fuel specifications shall conform to the latest standards set forth in the American Society for Testing and Materials D 4814 with the following exception:

Vapor pressure specifications shall not be more than the maximum specified by any California state law. ~~When seven- and eight-tenths pounds per square inch is specified as the maximum Reid Vapor Pressure limit for automotive spark ignition engine fuel, but such seven- and eight-tenths PSI requirements would not otherwise be applicable under ASTM D 4814, Volatility Class A or B specifications for distillation temperatures and vapor/liquid ratio limits may be applied in the manufacture of automotive spark ignition engine fuel designed to meet such seven and eight-tenths PSI maximum. When the maximum Reid Vapor Pressure specification for automotive spark-ignition engine fuel is below that established by D 4814, the Vapor Pressure/Distillation Class AA specification for distillation temperatures may be applied in the manufacture of automotive spark-ignition engine fuel.~~

NOTE: Authority cited: Sections 12027 and 13440, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

4145. Specifications – E85 Ethanol Fuel. – E85 Ethanol Fuel shall meet the specifications set forth by ASTM International in the latest version of “Standard Specification for Fuel Ethanol (Ed75 – Ed85) for Automotive Spark-Ignition Engines D 5798”, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, Volume 05:03.

NOTE: Authority cited: Sections 12027 and 13440, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and Professions Code.

4146. Specifications – M85 Methanol Fuel. – M85 Methanol Fuel shall meet the specifications set forth by ASTM International in the latest version of “Standard Specification for Fuel Methanol (M70 – M85) for Automotive Spark-Ignition Engines D 5797”, contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, Volume 05:03.

NOTE: Authority cited: Sections 12027 and 13440, Business and Professions Code. Reference: Sections 13401(m), 13440 and 13441, Business and

Professions Code.

4147. Specifications – Biodiesel Blending Stock and Biodiesel Fuel Blends.

Biodiesel Blending Stock and Biodiesel Fuel Blends shall meet the following specifications:

~~(a) Biodiesel fuel intended to be used as a 100 percent pure fuel, designated as B100, shall meet the specifications set forth by ASTM International in the latest version of "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels D 6751", contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, Volume 05:04.~~

~~(b) Biodiesel blends shall meet the following requirements:~~

~~(1) The diesel fuel used for blending shall meet the specifications set forth by ASTM International in the latest version of "Standard Specification for Diesel Fuel Oils D 975", contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, Volume 05:01.~~

~~(2) (1) The Biodiesel blending stock shall meet the specifications set forth by ASTM International in the latest version of "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels D 6751", contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, Volume 05:04.~~

~~(3) (2) The Any finished biodiesel fuel blend shall meet the specifications set forth by ASTM International in the latest version of "Standard Specification for Diesel Fuel Oils D 975", contained in the ASTM publication entitled: Annual Book of ASTM Standards, Section 5, Volume 05:01.~~

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13401(j) and 13450, Business and Professions Code.

4148. Labeling and Price Advertising Sign Requirements for Biodiesel Fuel.
The words "Biodiesel (B100)" shall be used to describe the 100 percent pure biodiesel product as required by Section 13480 and 13532 of the Business and Professions Code.

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480 and 13532, Business and Professions Code.

4148. Labeling and Price Advertising Sign Requirements for Biodiesel.

(a) Fuel that is being represented as biodiesel fuel shall have the words "Biodiesel fuel (BXX)", where XX represents the volume percent biodiesel in the fuel, used to describe the name of the product as required in Section 13480 and 13532 of the Business and Professions Code.

(b) Every Biodiesel fuel dispenser dispensing blends greater than 5 volume percent (B5) of Biodiesel shall display on each customer side, as required by Section 13484 of the Business and Professions Code, a sign clearly visible which reads as follows:

"CAUTION: THIS FUEL MAY NOT BE SUITABLE FOR USE IN ALL DIESEL ENGINE VEHICLES. ITS USE MAY VOID YOUR WARRANTY, CHECK WITH YOUR ENGINE MANUFACTURER BEFORE USING."

NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480, 13484 and 13532, Business and Professions Code.

~~**4149. Labeling and Price Advertising Sign Requirements for Biodiesel Blends. Fuel that is being represented as a biodiesel blend shall have the words "Biodiesel Blend (BXX)", where XX represents the volume percent biodiesel in the blend, used to describe the name of the product as required in Section 13480 and 13532 of the Business and Professions Code.**~~

~~NOTE: Authority cited: Sections 12027 and 13450, Business and Professions Code. Reference: Sections 13480 and 13532, Business and Professions Code.~~